

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegations of possession of disproportionate assets against Sri Chenna Prasad, formerly Deputy Director (Social Welfare), Warangal – Convicted by the Special Court – Confiscation of the properties of the Accused Officer – Orders – Issued.

SOCIAL WELFARE (SER.III.1) DEPARTMENT

G.O.Rt.No. 57

Dated:29-01-2014
Read the following:

1. Judgment, dated 23-10-2003, in C.C.No.12/98, delivered by the Principal Special Judge for SPE & ACB cases, City Civil Court, Hyderabad.
2. G.O.Rt.No.196, Social Welfare (Ser.III.1) Deptt., Dt:6-5-2004.
3. Govt. Memo. No.722/SW.Ser.III(1)/94-57, Dated:26.10.2009 and 06.01.2011.
4. Judgment of Hon'ble High Court of A.P., dated 3-11-2011 in Criminal Appeal No.1126/2003.
5. From the Director-General, Anti-Corruption Bureau, Hyderabad, Letter No.145/RCA-CR2/1994/S-16, Dated:21-07-2012.
6. From the CSW, Lr.Rc.No.19226/94-1, Dt.20-10-2012.

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ORDER:

In the reference 1st read above, the Principal Special Judge for SPE & ACB cases, Hyderabad, pronounced judgment on 23.10.03 in the prosecution case CC No. 12 of 1998, against the Accused Officer, Sri Chenna Prasad, formerly Deputy Director (SW), Warangal District, convicting him and sentencing him to undergo rigorous imprisonment for five years and to pay a fine of Rs.50,000/- and in default to undergo rigorous imprisonment for two years, besides ordering confiscation of his assets item No. 1 (House No. 7-1-397/109, at Sanjeevareddy Nagar, Hyderabad, value fixed at Rs. 20,63,400), item No. 2 (House in Sanjeevareddy Nagar Colony, Hyderabad value fixed at Rs. 2,83,224 and item No. 3 (Flat No. 202, Nature Nest Apartments, Ameerpet, Hyderabad, value fixed at 1,00,000) and for the remaining balance amount of disproportionate assets. Item No. 8 (value fixed at Rs. 2,50,000) proportionate gold ornaments are ordered to be confiscated in favour of State.

2. In the reference 2nd read above, orders were issued dismissing Sri Chennaprasad, Deputy Director (SW), Warangal from Government service.

3. In the reference 3rd read above, the Commissioner of Social Welfare was requested to ensure the District Collector, Hyderabad to file an application for confiscation of the properties of the Accused Officer, through the Special Public Prosecutor of A.C.B., Hyderabad.

(p.t.o)

4. In the reference 4th read above, the Hon'ble High Court of A.P., Hyderabad while dismissing the Cr. Appeal No. 1126 of 2003 filed by the AO, in its judgment dated 3.11.2011, ordered as follow:

"The trial Court's order confiscating items 1 to 3 and 8 to the State as ordered by it has to be upheld. Items 1 to 3 and 8 may fetch more now but they were confiscated having regard to the values then prevalent and if there is any increase in the value benefit will go only to the State. Further, it is also made clear that if the fine amount of Rs. 50,000 has not been paid in the trial court for any reason at the time of filing the appeal, the same shall be recovered from the other estate of the A.O."

5. In the reference 5th read above, the Director General, Anti Corruption Bureau has informed that the Legal Advisor-cum-Spl PP of the ACB pointed out that the trial court and the High court have clearly held that the assets were already confiscated by the law courts and hence there is no need to file a petition u/s 452 of Cr.P.C and that the appropriate authority has to take immediate steps for execution of the orders passed by the Courts.

6. In the reference 6th read above, the Commissioner of Social Welfare, A.P., Hyderabad has requested the Government, for necessary orders.

7. Government, after careful examination the entire matter, hereby decided to implement the Judgment of the trail Court as the Hon'ble AP High Court has dismissed the appeal filed by the Accused Officer i.e., Sri Chenna Prasad, Deputy Director (SW), formerly at Warangal and to take action as ordered by the Hon'ble AP High Court relating to the fine of Rs.50,000/- as per the procedure in G.O.Ms.No.4, GA(Spl.C)Dept., Dt.1.1.2004

8. The Commissioner of Social Welfare/District Collector, Hyderabad, shall take necessary steps for disposal of confiscated properties by sale of items 1 to 3 and 8 of the assets and fine of Rs.50,000/- and remit the sale proceeds to Govt., as per the procedure in G.O.Ms.No.4, GA(Spl.C)Dept., Dt.1.1.2004 and furnish the action taken report to Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Commissioner of Social Welfare, A.P., Hyderabad.
The District Collector, Hyderabad,
Copy to:
The Director-General, Anti-Corruption Bureau, Hyderabad.
The Vigilance Commissioner, Andhra Pradesh Vigilance Commission,
Hyderabad.
SC/SF.

// FORWARDED:: BY ORDER //

SECTION OFFICER